

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARK FREGIA,

Plaintiff,

v.

MIRANDA, *et al.*,

Defendants.

Case No. 1:21-cv-01068-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

(ECF No. 59)

Plaintiff Mark Fregia ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Ridge and Savage based on Plaintiff's claims that Defendants were deliberately indifferent to Plaintiff's serious medical needs by continuing to prescribe medications that caused him to suffer lichen planus, and then failed to treat such skin condition.

On July 14, 2021, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff's motion for temporary restraining order and preliminary injunction be denied. (ECF No. 59.) This action was stayed, including the deadline for Plaintiff to file objections to the findings and recommendations, while this case was set for early alternative dispute resolution. (ECF Nos. 62, 64.) Following Defendants' request to opt out of early alternative dispute resolution, the stay was lifted and the deadline for Plaintiff to file his objections was reset. (ECF No. 67.) Plaintiff's objections were therefore due on or before

September 20, 2021. (*Id.*) Plaintiff has not filed objections, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on July 14, 2021, (ECF No. 59), are adopted in full;
2. Plaintiff's motion for temporary restraining order and preliminary injunction, (ECF No. 59), is denied; and
3. The matter is referred back to the assigned Magistrate Judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: October 5, 2021



SENIOR DISTRICT JUDGE